

# OLASOV LLP

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March 9, 2021

Honorable Vera M. Scanlon  
Magistrate Judge,  
United States District Court for the Eastern District of New York  
225 Cadman Plaza East, 1214 South  
Brooklyn, New York 11201

Re: La Liberte v. Reid (1:18-cv-05398-DLI-VMS)

Dear Judge Scanlon:

Your Honor has scheduled a telephone conference for tomorrow afternoon in the referenced case. The notice scheduling the conference did not indicate the purpose for the scheduling conference. Of course, my colleague Lin Wood and I are available for the conference, but we just learned that on March 2, 2021 the defendant filed a letter brief in support of a motion to compel discovery.

Neither Mr. Wood nor I received ECF electronic notice of this filing, and of course plaintiff has not submitted any response to it. As it turns out, on March 4, 2021, two days after this discovery filing, I sent defendant's counsel John Reichman an email in which I referenced certain outstanding matters, including the following statement:

[S]o we understand one another, *once you raise with the magistrate any of the matters on which we recently conferred, plaintiff intends to cross-move to limit your defenses* as pleaded in your answer, in accordance with the letter of guidance we provided your side a while ago. That letter invited you voluntarily to withdraw defenses in light of the 2nd Circuit's decision of last July, but you have not done so. [emphasis added]

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A copy of my email is attached as an exhibit to this letter. Mr. Reichman did not respond to my March 4 email until this morning, March 9. In his response he made a reference to defendant's letter motion of March 2. It is quite clear that my March 4 email to him let him know that plaintiff knew nothing about any prior letter motion to compel discovery.

Under the circumstances plaintiff respectfully requests that the conference scheduled for tomorrow afternoon be adjourned to permit plaintiff an opportunity to file a written response, to the extent that this letter motion was to be a subject of the scheduling conference, so that the Court has the benefit of our written views.

Respectfully yours,

s/ David M. Olasov

David M. Olasov

cc. John Reichman, Esq. (by email)  
All counsel of record (by ECF)